

## LAW AND THE ART WORLD

## Hype, Indian art and other updates

By Bill Frazier ©2013

After last summer's tour of many galleries around the West, I've pretty much reached the same observations as in the last few years. The two things that bother me the most are, first, all the hype that some artists seem to generate, and second, all of the hype associated with giclee prints in whatever format.

My personal view is that there is Frederic Remington and everyone else. So, when a gallery representative welcomes me into a gallery with the comment that the first artist's work that I look at is the best "investment" I can make this year, I shut down. I will probably not buy any of that artist's work and will buy nothing from that gallery.

As a person who, in this economy, actually buys artwork, let me assure galleries and sales representatives that this is not the approach to take.

As with any item, a certain amount of sales "puffing" is expected, but when representations are made that something should be purchased for investment or a similar comment, a line is crossed and liabilities could result. Art galleries should be circumspect in using the term "investment" because it carries certain legal connotations and responsibilities, so avoid this practice. Gallery owners should also caution sales people about such comments. This applies to individual artists, as well.

## Giclees vs. originals

All of the hype associated with giclee prints, either on paper or canvas, is not helpful. Many buyers are confused about what they are getting, anyway, and some gallery sales representatives are less than candid in their sales comments. Giclee prints are not investments. They are not originals, and neither are "enhanced" giclee prints. They are simply very good, generally, reproductions and should not be represented as anything else.

Giclee is simply the current state of the art in printing, just as offset lithography was 30 years ago. I assume everyone knows that the word "giclee" is a French word meaning a squirt or spray of a small amount of liquid, for example, ink or paint.

I shudder when I go in a gallery and see \$3,000 and \$4,000 giclee prints for sale. Consider all of the fine originals one could buy for that amount of money, and then have a real piece of artwork.

Some will disagree with this, but this is my opinion based on many years of collecting and observing artwork and sales practices.

## Definition of Indian artwork

Several times in this column, matters relating to Indian artwork have been discussed, specific work defined and the relevant laws pointed out. Now, I am seeing ads for "American Indian-inspired" or "Native American-inspired" artwork for sale in magazines. This is not American Indian or Native American artwork. It is work made by non-Indians and probably made in countries whose economies you may not want to support.

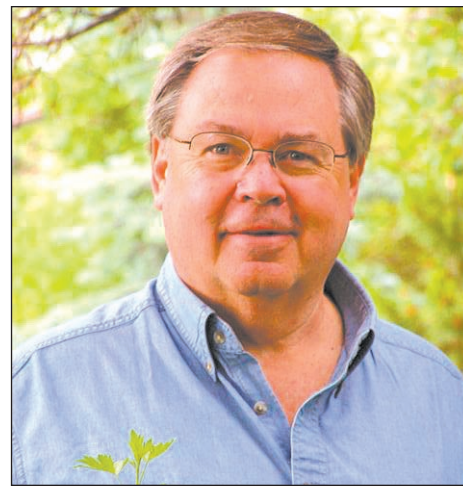
The Indian Arts and Crafts Act is a federal law designed to protect the integrity of American Indian-made artwork and crafts and to insure to the consumers the authenticity of what they are buying – in essence, it's an Indian artwork consumer protection law.

Among other things, it is designed to protect both Indian artists and purchasers against foreign copies and reproductions of American Indian art and crafts. In other words, it is designed to protect us against "Indian inspired" stuff.

It is also helpful in warning people against purple turquoise and plastic turquoise and other such fake things that often appear in foreign imitations. There is a simple solution to such problems. Buy from reputable galleries and sellers; there are plenty of them across the country.

The original Indian Arts and Crafts Act of 1990, combined with the Indian Arts and Crafts Enforcement Act of 2000, is designed to promote the sale of art and crafts actually produced by American Indians and Alaska Natives. Definitions and descriptions were provided in the acts for reference in identifying fakes and counterfeit products intended to be passed off as authentic Indian-made crafts.

There are many excellent discussions about both of these acts on the internet, along with



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definitions and specifics for consumers. Following are some helpful definitions that have developed from the act and generally accepted Indian marketplace practices and terms of use in the Indian arts cultures:

- Handmade means that the item is entirely made from raw materials and fabricated by hand;
- Handcrafted means that the item is made by assembling pre-made parts and pieces that are of natural or stabilized materials, for example, silver, gold, turquoise or stabilized turquoise, other stones, bones, wood, leather;
- Machine-made means that the item is made from the machine stamping, casting, cutting or other mechanical processes where no actual hand work, other than the operating of the machine, is used.

The above definitions are offered as guidance and are not exhaustive of the subject.

Finally, I continue to receive calls from readers who have been approached by a variety of scammers who have been mentioned in these articles. Anytime you feel suspicious and do not know what to do, feel free to get in touch with me through the contact information listed below.

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## Crafting the perfect tweet

An easy way for board members to drum up enthusiasm for their nonprofit online: short and sweet messages on Twitter. But there are a few best practices everyone should know before diving in.

To get the most out of Twitter:

- Piggyback onto other events. Set up a #hashtag (or if you're at an industry event, use theirs) and tweet about what's happening in real time. But...
- Don't overdo hashtags. Any more than two per tweet and readers may view it as spam. Be targeted with the ones you use, though (for example: "#AFPconference" rather than "#Nonprofitevent").
- Use images. A tweet with a link or video has an engagement rate at least two times higher than one without.
- Include short videos. Have you gotten familiar with the six-second video app Vine yet? Now's the time.
- Don't abandon proper grammar. While short tweets aren't exactly formal, you don't want to be viewed as unprofessional.
- Spell out your words. While "IMO" might save more space than "In my opinion," it may confuse followers unfamiliar with abbreviations and may come off as juvenile.

Info: [is.gd/BestTweets](http://is.gd/BestTweets)  
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## Tech Talk: The learning never ends

By Mark Ratledge

There is so much technology around these days that you almost have to be a self-starter to keep up with the changes and be able to teach yourself how to do things on your PC, Mac, smartphone or with a web browser online. New versions of programs come out on a regular basis, and either at home or at work, you need to learn how to use them to further your artistic or business life in the office.

So how does one learn all this stuff in an efficient way? From my experience, it can help to take a class.

We all know Google can be amazing; simply Google a short description of what you need to learn or fix and there you go; lots of information. True, the responses can be hit or miss, and wading through accurate and inaccurate information is a given.

And I will work my way through a technical book or ebook once in a while to get a good baseline of what I need to learn and use. And then I keep the book around for later reference, too.

But if you need to really learn something computer-ish and can afford to take the time to learn it well, it could be time to take a class. You'll work your way through the material and get the benefit of personal help from the instructor and the other students learning the same thing.

There are very good resources for learning technology, and a good place to look first is your local library. The public libraries in Missoula, Helena, Great Falls, Bozeman and Billings offer free computer classes. Call them or check their websites. If you're not close to one of those cities, check the smaller library branches.

They all offer beginning classes, and other classes too, i.e.



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from the routine. There are a number of commercial businesses that teach computers and applications, and for an office group, that's a better idea than a library class. Check your phonebook (yes, that's the old way) or Google for companies in your city that teach computer skills.

Worst case, if you still want to learn on your own – or due to time or money, you have to – search YouTube for instructional videos. You can learn everything from WordPress to piano by watching thousands of free, high-quality videos, if you're willing to put up with a little bit of advertising sometimes.

classes in Excel and other desktop programs all the way up to learning how to work with a website.

Many of those same towns also have adult education programs that take place at area high schools or two-year colleges. Those programs can offer much more of a range of classes, the cost can be low, and the length and meeting times of the classes is such that you can fit them in.

And if you're in an office, taking a class as an office group is a good break